

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID S. BOCSY and
JAMES J. BOCSY,

Plaintiffs

v.

02: 08-cv-1482

COMMONWEALTH OF PENNSYLVANIA,
COUNTY OF ALLEGHENY,
REDEVELOPMENT AUTHORITY OF
ALLEGHENY COUNTY; BOROUGH OF
HOMESTEAD; MON VALLEY INITIATIVE,
RICHARD A. RANII,
MICHAEL A. DELLAVECCHIA,
WILLIAM G. MERCHANT, S&A HOMES,
DWANE YOUNGBLOOD, FRED LAGITITO,
LLOYD A. WELLING, LAND AMERICA,
JEFFREY SELBY, JANET NORKUS,
CASSIE BRANDON, MIKE BLOTZAR, and
GARY BODNER,

Defendants.

ORDER OF COURT

AND NOW, this 9th day of January, 2009, it appearing that Plaintiffs were ordered on December 19, 2008, to file their response to the Motion to Dismiss, Or For Summary Judgment filed by Defendant Borough of Homestead (Document No. 22) on or before January 7, 2009,

and with no response having been filed by Plaintiffs and with due consideration and deliberation of the factual and legal arguments advanced in the Brief in Support Defendant's Motion, each of which the Court finds to have merit and are specifically rebutted;

NOW, THEREFORE, the Motion to Dismiss or For Summary Judgment filed by the Borough of Homestead is **GRANTED** in its entirety and the Borough of Homestead is dismissed without prejudice.

So **ORDERED** this 9th day of January, 2009.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

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